IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 22415 of 2004

Between:

Dr.D.s. Jahan, D/o. M.M. Taher Pasha,
R/o. H.No. 1-5-212, Suraram Colony, IDA, Jeedimetla, Hyderabad - 500 055.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation, Hyderabad.
2 Government of Andhra Pradesh, Rep. byits Secretary,
Health Medical and Family Welfare (I.2), Department, Secretariat, . . . Hyderabad.
3 The Principal Secretary, Municipal Administration and Urban Development
(F.2) Department, Government of Andhra Pradesh, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of CERTIORARI and QUASH the order dated 4-8-2004 in O.A.NO. 3345/2004, on the file of the A.P. Administrative Tribunal, Hyderabad and set aside the notification No. 2286/GA/OP.1/MCH/2004, dated 8-5-2004 and direct the respondents to regularise her services as Medical Officer.

Counsel for the Petitioner:MR.B.G.RAVINDER REDDY

Counsel for the Respondents No.2 and 3: GP FOR SERVICES I

Counsel for Respondent No.1: Mrs. Jyothi Kiran

The Court at the admission stage made the following :

ORDER: **(Per the honourable Sri Justice G.Bikshapathy)**

This Writ Petition is filed challenging the order dated 4-8-2004 in O.A.No. 3345 of 2004 passed by the A.P. Administrative Tribunal.

2. The petitioner was appointed as Medical Officer in the Municipality on contract basis in the year 2001 for a period of one year. However, the contract was extended from time to time on the same terms and conditions on which she was appointed earlier. But, however, the Municipality issued notification No.2286/GA/OP.1/MCH/2004, dated 8-5-2004 calling for applications for appointment as Medical Officer on contract basis. Assailing the said notification, the petitioner filed O.A.No.3345 of 2004 before the Tribunal contending that when she is continuing in service on contract basis, again appointing another candidate in the very same post on contract basis for which she is originally recruited is highly arbitrary and violative of Article 14(1) of the Constitution of India. The Tribunal refused to interfere with the order and dismissed O.A.No.3345 of 2004 by order, dated 4-8-2004. Assailing the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner vehemently submits that the action of the Municipality in seeking applications for appointment of candidates on contract basis is illegal and arbitrary. He submits that when the petitioner herself is available having been appointed on the contract basis in the year 2001 and again calling for

the applications for appointment of candidates on contract basis is unwarranted and it only deprives the livelihood of the petitioner. He also submits that when a candidate is appointed on contract basis, again appointing another candidate in the very same post would amount to arbitrary action on the part of the department.

4. We are afraid, we cannot accept any of the contentions of the learned counsel for the petitioner. The petitioner was initially appointed on contract basis for a period of one year under the terms and conditions of G.O.Rt.No.478 M.A. dated 25-6-2001. But, however, she has continued for two more years, but that does not mean that she gets any right to continue beyond the contractual period. The appointment is governed by the contract specified in the appointment order.

5. The learned counsel, however, submits that as she was treated as temporary employee, she is entitled to get the benefits as if she was appointed on temporary basis. But, that was not the contention of the petitioner before the Tribunal. The appointment order clearly stipulates that the appointment is for a period of one year on consolidated pay.

6. Under those circumstances, we do not find any flaw in the order of the Tribunal.

7. Accordingly, the Writ Petition is dismissed. However, it is made clear that the period for which, the petitioner has continued as Medical Officer, she is entitled for the salary. No order as to costs.

G.Bikshapathy,J.

P.S.Narayana,J.

16th February, 2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Municipal Corporation, Hyderabad.
2 The Secretary,Government of Andhra Pradesh,
Health Medical and Family Welfare (I.2), Department, Secretariat, . . . Hyderabad.
3 The Principal Secretary, Municipal Administration and Urban Development
(F.2) Department, Government of Andhra Pradesh, Secretariat, Hyderabad.

4. 2 CCs to G.P. for Services-II, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

6. The Registrar, A.P. Administrative Tribunal, Hyderabad.

THE HONOURABLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

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W.P.No. 22415 OF 2004

16th February, 2005.

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